

DISPOSITION: 10-11-62. Consent—claimed by Catz American Co., Inc., and destroyed after an unsuccessful attempt at reconditioning.

### TOMATOES AND TOMATO PRODUCTS

28972. Canned tomatoes. (F.D.C. No. 48480. S. No. 36-831 V.)

QUANTITY: 698 cases, each containing 24 1-lb. cans, at Selma, Ala.

SHIPPED: 7-2-62, from Okeechobee, Fla., by Markham Bros. & Co.

LABEL IN PART: (Can) "Oak Hill Tomatoes \* \* \* Packed \* \* \* by Markham Bros. and Company, Main Office Okeechobee, Florida."

LIBELED: 12-11-62, S. Dist. Ala.

CHARGE: 403(h) (1)—when shipped, the article fell below the standard of quality for canned tomatoes, since the drained weight of the contents of the container was less than 50 percent of the weight of the water required to fill the container, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 5-1-63. Consent—claimed by Markham Bros. & Co., and released under bond for relabeling.

28973. Canned tomatoes. (F.D.C. No. 48829. S. No. 59-036 V.)

QUANTITY: 57 cases, each containing 24 1-lb. 12-oz. cans, at Philadelphia, Pa.

SHIPPED: On unknown date, by an unknown shipper.

LABEL IN PART: (Can) "JD Garden Gem Tomatoes \* \* \* Distributed By J. T. Harrison & Associates Easton, Maryland."

RESULTS OF INVESTIGATION: The articles were identified as having been packed by the Defender Packing Co., Trappe, Md.

LIBELED: 3-28-63, E. Dist. Pa.

CHARGE: 403(a) (3)—contained *Drosophila* fly eggs and maggots when shipped.

DISPOSITION: 7-10-63. Default—destruction.

28974. Canned tomato paste. (F.D.C. No. 48974. S. Nos. 67-841/2 V.)

QUANTITY: 118 cases, each containing 48 6-oz. cans, and 9 cases, each containing 96 6-oz. cans, at Greenville, S.C.

SHIPPED: 4-1-61, from Fullerton, Calif.

LIBELED: On or about 6-3-63, W. Dist. S.C.

CHARGE: 402(a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 7-2-63. Consent—destruction.

28975. Tomato puree. (F.D.C. No. 48441. S. No. 2-381 V.)

QUANTITY: 175 cases, each containing 6 6-lb. 9-oz. cans, at Atlanta, Ga.

SHIPPED: 9-11-62, from Escalon, Calif.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 12-27-62, N. Dist. Ga.

CHARGE: 402(a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 2-5-63. Default—destruction.

28976. Pizza sauce (tomato product). (F.D.C. No. 48972. S. No. 83-124 V.)

QUANTITY: 47 cases, each containing 6 6-lb. 8-oz. cans, at Port Chester, N.Y.

SHIPPED: 3-7-63, from Swedesboro, N.J., by PMC Canning Co., Inc.

LABEL IN PART: (Can) "Carmelita Brand Prepared Pizza Sauce Italian Style \* \* \* Packed for \* \* \* Joseph Delfino & Sons Port Chester N.Y."

LIBELED: On or about 6-4-63, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained *Drosophila* fly eggs and maggots when shipped.

DISPOSITION: 6-26-63. Default—destruction.

28977. Pizza sauce (tomato product). (F.D.C. No. 48976. S. No. 65-974 V.)

QUANTITY: 95 cases, each containing 6 6-lb. 9-oz. cans, at Long Island City, N.Y.

SHIPPED: 10-16-62, from Cologne, N.J., by Ariston Canning Co., Inc.

LABEL IN PART: "Jersey Delight Brand Pizza Sauce \* \* \* Packed by Ariston Canning Co. Cologne, N.J."

LIBELED: 5-28-63, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained *Drosophila* fly eggs and maggots when shipped.

DISPOSITION: 6-21-63. Default—destruction.

### NUTS AND NUT PRODUCT

28978. Unshelled brazil nuts. (F.D.C. No. 48419. S. No. 3-017 V.)

QUANTITY: 88 cases, each containing 12 2-lb. bags, at Raleigh, N.C.

SHIPPED: 11-21-62, from Chico, Calif., by Continental Nut Co.

LABEL IN PART: (Bag) "Contents 2 Lbs. Net \* \* \* Red Ribbon Selected Brazil Nuts Packed by Continental Nut Co. Chico, Calif."

LIBELED: 1-7-63, E. Dist. N.C.

CHARGE: 402(a)(3)—contained shriveled, rancid, bitter, gummy and moldy nuts, and empty shells when shipped.

DISPOSITION: 3-8-63. Consent—claimed by Continental Nut Co., Chico, Calif. Segregated; 101 lbs. destroyed.

28979. Shelled cashews. (F.D.C. No. 48511. S. No. 49-748 V.)

QUANTITY: 24 30-lb. ctns., at Chico, Calif.

SHIPPED: 8-3-62, from New York, N.Y.

RESULTS OF INVESTIGATION: The article was a commingled lot, a portion of which was shipped in 25-lb. cans from New York, N.Y., to California, and then delivered to the dealer who reconditioned the contents, mixed them with other nuts on hand, and repacked the entire lot into 30-lb. cartons.

LIBELED: 1-8-63, N. Dist. Calif.

CHARGE: 402(a)(3)—contained insect larvae, insect fragments, insect parts, and insect excreta while held for sale.

DISPOSITION: 2-8-63. Default—destruction.

28980. Shelled Spanish peanuts. (F.D.C. No. 48748. S. No. 28-176 V.)

QUANTITY: 160 125-lb. bags, at Omaha, Nebr., in possession of Omaha Bakers Supply Co.

SHIPPED: 11-15-62, from Denison, Tex.

LIBELED: 4-15-63, Dist. Nebr.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.